IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 5499 of 2007(D)

PETITIONER:

W.ANILKUMAR, S/O. WILSON,
B.P.VILAS, CHEENIVILA, KOOVALASSERRY P.O.,
BALARAMAPURAM, TRIVANDRUM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR
SRI.DIPU.R
SMT.MERCIAMMA MATHEW

RESPONDENTS:

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1. REGIONAL PROVIDENT FUND COMMISSIONER,
PATTOM, THIRUVANANTHAPURAM.

2. ENFORCEMENT OFFICER,
REGIONAL PROVIDENT FUND ORGANIZATION,
OFFICE OF THE REGIONAL PROVIDENT FUND
COMMISSIONER, PATTOM, THIRUVANANTHAPURAM.

3. DISTRICT MAGISTRATE,
OFFICE OF THE DISTRICT COLLECTOR,
TRIVANDRUM DISTRICT, VANCHIYOOR, TRIVANDRUM.

4. MARANALLOOR KSHEERA VYAVASAYA SAHAKARANA
SANGAM LTD., NO.3994, PONGUMOODU,
KOOVALAPPARA P.O., TRIVANDRUM-12, REPRESENTED BY
IT'S SECRETARY.

5. N.BHASURANGAN,
PRESIDENT, MARANALLOOR, KSHEERA VYAVASAYA
SAHAKARANA SANGAM LTD., NO.3994, PONGUMOODU,
KOOVALAPPARA P.O., TRIVANDRUM-12.

6. GENERAL MANAGER,
DISTRICT CO-OPERATIVE BANK, THIRUVANANTHAPURAM.

7. MANAGER,
DISTRICT CO-OPERATIVE BANK, PUTHENCHANTHAI,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SMT.T.N.GIRIJA, SC,EPF ORGANISATION
SRI.P.V.BABY
SRI.R.KIRAN
SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
GOVERNMENT PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1. TRUE COPY OF REPRESENTATION DT.3.1.07 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

P2. TRUE COPY OF REPRESENTATION DT. 4.1.07 SUBMITTED BY THE PETITIONER BEFORE THE EXECUTIVE MAGISTRATE, THIRUVANANTHAPURAM.

P3. TRUE COPY OF THE REPRESENTATION DT. 1.2.07 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 5499 OF 2007

DATED THIS THE 28th DAY OF MAY, 2007

JUDGMENT

A worker of the 4th respondent Society seeks the following reliefs.

"i. issue writ of mandamus or any other appropriate writ order or direction commanding respondents 1 and 2 to take necessary steps under the Provident Fund Act to prevent the evasion of payments towards Provident Fund Account by the 4th and 5th respondents.

ii. issue a writ of mandamus or any other appropriate writ order or direction commanding the Executive Magistrate to initiate steps under Section 110 of the Provident Fund Act as per Exhibit P2 representation.

iii. issue a writ of mandamus or any other appropriate writ order or direction commanding the 1st respondent to take appropriate steps under section 8 to 8(G) of the Provident Fund Act.

and

iv. to grant such other and further releifs as deemed by this Hon'ble Court fit and proper to grant in the facts and circumstances of this case".

2. The respondents 4 and 5 have filed a counter affidavit in which they have categorically stated that the matter is pending in appeal before the Employees Provident Fund Appellate Tribunal and this Court had granted an interim order on condition that the petitioner pays Rs.30,000/- directing that further proceedings would be kept in abeyance till orders are passed in the stay petition by the Tribunal.

It is stated in the counter affidavit that no orders have been passed by the Tribunal. That being so, the prayers of the petitioner cannot be granted at this juncture. However, the petitioner may move for appropriate reliefs, after the appeal pending before the Tribunal is disposed of. Without prejudice to such right this writ petition is dismissed.

S. SIRI JAGAN, JUDGE

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